

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Louis Z. Lawrence,)	
)	
Petitioner,)	Civil Action No.: 2:10-cv-02287-JMC
)	
v.)	ORDER AND OPINION
)	
Warden Darlene Drew,)	
)	
Respondent.)	
_____)	

This matter is before the court on the Magistrate Judge’s Report and Recommendation (“Report”) [Doc. 10]. Petitioner sought habeas relief, pursuant to 28 U.S.C. § 2241 alleging inadequacies in the inmate housing unit to which he was assigned. The Magistrate Judge’s Report, filed on November 23, 2010, recommends that the Complaint [Doc. 1] be dismissed without prejudice and without issuance and service of process on Respondent. Particularly, the Magistrate Judge found that Petitioner primarily complained of the conditions of his confinement and did not present any challenge to the legality or duration of his custody as required for proceedings instituted under § 2241. The Report sets forth the relevant facts and legal standards which this court incorporates herein without a recitation.

The Magistrate Judge’s Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made, and the court

may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Petitioner timely filed objections, [Doc. 13], to the Magistrate Judge's Report. Objections to the Report must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the district judge accepts the recommendation. *See United States v. Schronce*, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Magistrate Judge's Report, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

In his objections, Petitioner argues that the Magistrate Judge erroneously recommended dismissal of his Complaint. Petitioner contends that his claim is properly filed under § 2241 because he is not seeking monetary damages for a personal injury but, instead, seeks "justice as court ordered injunctive relief for prison conditions." Petitioner further states in his objections that he wishes to remain in a § 2241 action despite being advised by the Magistrate Judge that his claim would be more appropriately filed as a claim under 42 U.S.C. § 1983. Upon review of Petitioner's objections, the court finds that Petitioner merely restates the claims that were already addressed adequately in the Magistrate Judge's Report.

After a thorough review of the Report and the record in this case, the court **ACCEPTS** the Magistrate Judge's Report and Recommendation [Doc. 10]. It is therefore **ORDERED** that the Complaint in the above-captioned case is **DISMISSED** without prejudice and without issuance and service of process.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

Greenville, South Carolina
June 14, 2012